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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 CARRIE MARIE HALL,  
12 Plaintiff,

13 v.

14 ANTHONY DANIELS, *et al*,  
15 Defendants.  
16

Case No. C07-5624FDB-KLS

ORDER DENYING PLAINTIFF'S  
SECOND REQUEST FOR  
EXTENSION OF TIME TO  
RESPOND TO THE COURT'S  
ORDER TO SHOW CAUSE

17 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §  
18 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure.  
19 The case is before the Court on plaintiff's filing of: (1) a letter (Dkt. #44) replying to defendants'  
20 response (Dkt. #42) to plaintiff's request for an extension of time (Dkt. #41) to respond to the Court's  
21 order to show cause directing her to file an amended complaint seeking to cure the deficiencies noted  
22 therein in her original complaint (Dkt. #40); and (2) a second request for an extension of time (Dkt. #46)  
23 to respond to the Court's order to show cause. After reviewing the above filings, defendants' responses  
24 thereto (Dkt. #45 and #47) and the balance of the record, the Court finds and orders as follows:

25 The Court issued its order to show cause on August 6, 2008, giving plaintiff until September 5,  
26 2008, in which to respond thereto. (Dkt. #40). On August 22, 2008, plaintiff filed her request for an  
27 extension of time, stating she was in solitary confinement with very little access to legal materials, and  
28 requesting an extra 30 days in which to respond to the order to show cause. (Dkt. #41). On September 5,

1 2008, defendants filed a response to plaintiff's request, not objecting to that request, but pointing out that  
2 plaintiff had failed to properly serve it on them. (Dkt. #42).

3 On September 9, 2008, the Court granted plaintiff's request, giving her until no later than October  
4 9, 2008, but warning her that failure to respond to the order to show cause in the manner described  
5 therein, could result in a recommendation of dismissal of this matter with prejudice. (Dkt. #43). However,  
6 it was noted that, in addition to failing to properly serve defendants with the request, plaintiff also had  
7 failed to properly note it as a motion. Plaintiff was warned that failure to properly serve future motions  
8 on other parties in this matter also could result in the denial thereof.

9 On September 12, 2008, plaintiff filed a letter with the Court, stating that she "just received (from  
10 the Atty Generals [sic] Office) Docket #42," the "response to plaintiff's motion for extension of time."  
11 (Dkt. #44). Plaintiff then gave the reasons she was asking for an extension of time in the request therefor  
12 she filed on August 22, 2008. The Clerk noted the September 12, 2008 letter as a motion for an extension  
13 of time, and defendants responded thereto as such on September 26, 2008. See (Dkt. #45). Clearly,  
14 though, the letter plaintiff filed constituted a reply to defendants' response to the request for an extension  
15 of time she filed on August 22, 2008, and not another request for such an extension. As such, the Clerk  
16 shall strike the notation in the record indicating that it is a motion.

17 On October 10, 2008, however, plaintiff did file a second request for an extension of time in  
18 which to respond to the Court's order to show cause. (Dkt. #46). As with her first such request, plaintiff  
19 again has failed to properly note it as a motion and, it appears from the record, once more has failed to  
20 properly serve it on defendants. As plaintiff previously was warned that failure to properly serve future  
21 motions on other parties to this case could result in the denial thereof, her second request for an extension  
22 of time in which to respond to the Court's order to show cause (Dkt. #46) hereby is DENIED.

23 The Court also finds that second request should be denied on its merits as well. Plaintiff does not  
24 state in her request exactly why she has been unable to respond to the Court's order to show cause within  
25 the additional time she already has been given in which to do so. She does indicate in her request that she  
26 is "Extremely Limited to Legal access," and states that "Mr. Hank Balson 'might' pick up" her case, but  
27 that this was "Highly doubtful." But plaintiff asserted in her first request for an extension of time that an  
28 extra 30 days would be a sufficient amount of time in which to respond to the order to show cause, even  
though limited legal access was the basis for her request at that time as well. She has provided no further

1 reasons for why an additional amount of time is needed because of such lack of legal access, and, indeed,  
2 does not set forth how much more time she needs.

3 To the extent plaintiff is basing her request on the asserted need to obtain counsel to represent her,  
4 the Court rejects that reason too. Plaintiff gives no indication when or if the Mr. Balson – assuming he in  
5 fact is an attorney licensed to practice law in this state – may choose to represent her in this case. Nor has  
6 plaintiff stated or shown what actual steps she has taken to attempt to obtain private representation in this  
7 matter, either from Mr. Balson or other legal counsel. Plaintiff also cannot claim she has had insufficient  
8 time in which to do so. On February 11, 2008, the Court denied plaintiff's request for the appointment of  
9 legal counsel at government expense. (Dkt. #5 and #11). As such, plaintiff has had some eight months in  
10 which try to obtain legal counsel.

11 Plaintiff, however, has not made any showing that she made any efforts in that direction during all  
12 that time. Indeed, plaintiff made no mention of any such attempts in her first request for an extension of  
13 time. The Court thus finds that plaintiff's lack of effort in this regard, and, as discussed above, her failure  
14 to provide any additional reasons why still needs more time because of the alleged limitation in her ability  
15 to access legal resources, precludes her from being entitled to any further extensions of time in  
16 responding to the order to show cause.

17 Accordingly, the Clerk hereby is directed to STRIKE the notation in the record that the September  
18 12, 2008 letter plaintiff filed (Dkt. #44) is a motion. In addition, plaintiff's second request for an  
19 extension of time in which to respond to the Court's order to show cause (Dkt. #46) hereby is DENIED.

20 The Clerk also is directed to send a copy of this Order to plaintiff and counsel for defendants.

21 DATED this 3rd day of November, 2008.

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25 Karen L. Strombom  
26 United States Magistrate Judge  
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